

BOARD OF PAROLE HEARINGS
Executive Board Meeting
Minutes
Monday, November 18, 2013

Meeting called to order at 1:05 p.m.

Roll Call: Commissioners Anderson, Fritz, Guerrero, Labahn, Montes, Peck, Richardson, Singh, Turner, and Zarrinnam were present. Commissioners Garner and Roberts were not present.

CONSENT CALENDAR

Comments and clarification regarding meeting minutes of October 14-18, 2013:

No comments.

Parole Suitability Hearings and Backlog Report: No comments.

Public comment on Consent Calendar: No comments.

Commissioner SINGH made a motion to approve the consent calendar and was seconded by Commissioner TURNER. The motion carried unanimously.

REPORTS AND PRESENTATIONS

Report from Executive Officer, Jennifer Shaffer

SHAFFER stated that the presentation by Dr. Cliff Kusaj listed on the agenda would be re-scheduled.

SHAFFER reported that working groups have been set up to implement the provisions of Senate Bill 260. Commissioner SINGH is a member of the group dealing with consultations, Commissioner LABAHN is a member of the group addressing the modifications to Risk Assessments and Commissioner MONTES is a member of the long-term inmates group. SHAFFER stated that there will be meetings with stakeholders to receive their input. She will be meeting with District Attorneys' representatives tomorrow. The first priority has been to identify youth offenders in the current hearing cycle. In January, 2014, there are 28 hearings involving youth offenders, with another 2 awaiting determination of their status. The next priority is to address the "backlog" cases, in which inmates have not yet reached their minimum eligible parole date under existing law, but who will be eligible for hearings after the law takes effect on January 1st. The cases in which inmates have determinate sentences will need further consideration and will, therefore, be the last group of offenders to be scheduled for hearings.

SHAFFER stated that a report on the changes to risk assessments will be presented at the December 2013 meeting.

Report from Chief Counsel, Howard Moseley

MOSELEY stated that 54 attorneys attended the mandatory training session in Northern California for appointment as inmate counsel. The Southern California session was attended by 44 attorneys. The tentative dates for the make-up sessions are: January 6, 2014, for Northern California and January 13, 2014, for Southern California.

MOSELEY invited feedback on the draft Administrative Directive 2013-07, Guidance on Assessing the Growth and Maturity of Youth Offenders at Parole Suitability Hearings.

Report from Chief Deputy of Program Operations, Sandra Maciel

MACIEL outlined the proposed procedures for appointing inmate counsel to represent inmates. The board has 34 hearing sites that have been grouped into 13 panels. The list of attorneys on the active and inactive lists for each panel will be posted on the BPH website. Attorney seniority will be based on service as inmate counsel between 2008 and 2013. MACIEL listed the qualifications for appointment: (1) Good standing with the California State Bar; (2) proof of malpractice insurance; (3) current tuberculosis test; and (4) completion of the board orientation sessions and attendance at least six life prisoner parole consideration hearings.

Attorneys on the active list must meet all qualifications. The goal of the proposed process is to have each active member of a panel be assigned cases for about one week per month.

MACIEL stated that half of a panel's attorneys will be selected according to seniority, half by random selection. She described the procedure for removing attorneys from the active list.

MOSELEY explained that attorneys may request appointment to several panels, but may be active members of only three panels. MOSELEY observed that it is difficult to formulate qualitative standards for attorneys' performance. The possibility of establishing such standards may be explored in the future, perhaps by taking into account feedback from inmates.

MOSELEY indicated that the number of attorneys per panel would be reviewed after six months.

Center Point Inc., Presentation by Steven Jackson, SASCA Region II Project Director

JACKSON gave a PowerPoint presentation and provided a handout describing the Center Point facilities and the services they offer. He stated that Commissioners FRITZ and SINGH had toured the facilities in July 2013.

Chris Geiger of Realignment Solutions gave a presentation on the services provided by his organization, which address the demands resulting from realignment. GEIGER stated that Realignment Solutions is in the process of establishing a facility dedicated to life prisoner parolees.

Discussion Regarding Tours of Transitional Housing Facilities

Commissioner SINGH described visiting the Modesto Gospel Mission, a faith-based facility. It provides educational programs in a structured environment. Commissioner SINGH also reported visiting Restoration House, Phat Chance and Center Point.

Commissioner LABAHN stated that he had visited Crossroads in Claremont and had spoken with residents and the director. He will be visiting the facility again this week.

Commissioner FRITZ stated that she had visited the Manor in San Rafael, a small facility with few life prisoner parolees. She visited Options Recovery in Berkeley which regularly accommodates life prisoner parolees. She spoke with several of them and viewed some of the in-house services. Commissioner FRITZ also toured Delancey Street in San Francisco, which does not have life prisoner parolees at this time but provides an extensive range of services.

OPEN COMMENTS

BPH Commissioners – Agenda Items for Future Meetings: None

Public Comments

Vanessa NELSON-SLOANE, Life Support Alliance, expressed disappointment that SASCA has no representatives of life prisoners and their families. She questioned whether it might be better to postpone the January 2014 hearings involving youth offenders, so that they are better able to address the issues raised by the provisions of Senate Bill 260 and provide for training. She also asked what benchmarks would be used by the Board and also whether the Board could provide information to determinately sentenced prisoners.

Jill KLINGE, Alameda County District Attorney's Office, expressed concern about Administrative Directive 2013-06. She anticipated difficulty in applying consistently the requirement that submitted materials should be brief. She identified problems with having the inmate's attorney summarize their contents, given that the District Attorney's representative must address the panel before the inmate's attorney.

Meeting recessed at 2:55 p.m., until Tuesday, November 19, 2013, at 10:00 a.m.

BOARD OF PAROLE HEARINGS
Executive Board Meeting
Minutes
Tuesday, November 19, 2013

Meeting reconvened from Monday, November 18, 2013, and called to order at 10:16 a.m.

Roll Call: Commissioners Anderson, Peck, Labahn, Fritz, Singh, Montes, Turner, Zarrinnam, Guerrero and Richardson were present. Commissioners Garner and Roberts were not present

EN BANC REFERRALS

Referral by Chief Counsel, pursuant to California Code of Regulations, Title 15, section 2042

A. ALEGRE, ANTONIO H-78404

No speakers

B. ALVIS, CARLOS H-15209

Keith WATTLEY, inmate's attorney, requested that the Board consider whether it is necessary to order a re-hearing.

C. DANIELS, SONYA W-75006

Robert HICKS, inmate's father, Maxine HICKS, inmate's mother, Shepard DANIEL, certified law student, requested that the Board vacate the inmate's parole denial and order a re-hearing. AARON WEST, Santa Clara County District Attorney's Office, opposed vacating the denial.

D. DUCHENE, DANNY C-71565

Hector LAZANO, inmate's friend, supported his release on parole.

Referral to consider an order for rescission hearing, pursuant to California Code of Regulations, Title 15, section 2450 et seq.

E. WARMACK, MACEO E-84649

Evan GREENBERG, inmate's attorney, stated that there were no grounds to order a rescission hearing. Alexis DE LA GARZA, Los Angeles County District Attorney's Office, stated that erroneous information was given about the adjudication of the disciplinary action.

Referral by the Governor for review of parole decision by the full board, pursuant to Penal Code section 3041.1 and California Code of Regulations, Title 15, section 2044.

F. DAWSON, DONALD H-28536

Alexis DE LA GARZA, Los Angeles County District Attorney's Office, stated agreement with the Governor's concerns and requested an investigation into the inmate's possible serious rule violation in 2011.

G. FALTISCO, ROBERT T-95747

Ellen EDGARS and Jean BRUCE-POOLE, inmate's friends, requested that the Board affirm the parole grant.

Czarina SCOLARI, Sue HASSELER, victims, Rudolfo MUNOZ, victim's husband, and Alexis DE LA GARZA, Los Angeles County District Attorney's Office, all opposed granting the inmate parole.

H. GARZA, NICOLE W-67206

Alexis DE LA GARZA, Los Angeles County District Attorney's Office, stated that the parole grant was inappropriate and that the inmate is manipulative, has given different versions of the life crime and has minimized her role in the crime.

I. HYPOLITE, STEVEN K-79428

Jay DYER, inmate's attorney, supported the parole grant. Alexis DE LA GARZA, Los Angeles County District Attorney's Office, opposed the parole grant.

DISCUSSION ITEMS

Chief Counsel Howard MOSELEY stated that in light of feedback received at yesterday's meeting, Administrative Directive 2013-06 would be tabled until the December 2013 meeting.

Administrative Directive 2013-05 Regarding Deportation Order, presented by Kara Houston, Staff Attorney

HOUSTON stated that the directive was presented at the September and October board meetings. A footnote has been added at the bottom of page two since the October hearing. The questions at the end of the directive have been removed and replaced with several examples.

Public Comment: None.

Commissioner TURNER moved to approve the directive and was seconded by Commissioner FRITZ. The motion was carried unanimously.

*Comments and Clarifications Regarding Commissioner Training Advisory Committee Minutes:
August 19, 2013*

Commissioners MONTES, ANDERSON, FRITZ and TURNER considered the minutes. Commissioner TURNER moved to approve the minutes and was seconded by Commissioner ANDERSON. The motion carried unanimously.

*Comments and Clarifications Regarding Best Practices Advisory Committee Minutes:
July 15, 2013*

Commissioners ANDERSON, PECK, LABAHN, ZARRINNAM and FRITZ considered the minutes. Commissioner PECK moved to approve the minutes and was seconded by Commissioner LABAHN. The motion carried unanimously.

OPEN COMMENTS

BPH Commissioners - Agenda Items for Future Meetings: None

Public Comments

Evan GREENBERG, attorney, addressed Administrative Directive 2013-06 and submitted that there is a danger of inconsistency in applying the “brief” standard. He suggested that a defined limit, such as 25 pages, excluding support letters, would be more appropriate.

Erin WEST, Santa Clara County District Attorney’s Office, supported a defined page limit under Administrative Directive 2013-06. She submitted that it would not be appropriate to request the inmate attorney to summarize the contents of the submitted material since it would deny the Deputy District Attorney the opportunity to comment.

Vanessa NELSON-SLOANE, Life Support Alliance, expressed concern about the commercialization of transitional housing facilities. She urged individual consideration of an inmate’s circumstances and maintained that strong family support is as effective as transitional housing in promoting parole success.

Bill BEANE, Crime Victims United, stated that insufficient consideration is given at parole hearings to the rights of crime victims and their families.

Marc NORTON, attorney, drew the Board’s attention to the case of an inmate whose conviction out of Los Angeles County had been overturned by a court, resulting in his release. The inmate claimed to have been wrongfully convicted.

Meeting adjourned at 11:50 a.m.

Board of Parole Hearings
Scheduled and Backlog Hearings Report
Penal Code section 3041(d)
December, 2013

